

E-Filed 11/6/12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DARRYL BURGHARDT,
Plaintiff,

No. C 12-5190 RS (PR)

ORDER OF DISMISSAL

v.

J. FRANZ, et al.,
Defendants.

This is a federal civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* state prisoner. By order of the Court, plaintiff was granted 30 days (1) to file a complete application to proceed *in forma pauperis* (“IFP”), or (2) to pay the filing fee of \$350.00, or face dismissal of the action. More than 30 days have passed since the order was filed, and plaintiff has not filed a complete IFP application, nor paid the filing fee. The IFP application lacks a Certificate of Funds signed by an authorized prison officer, and a prison trust account statement showing transactions for the last six months. Accordingly, the action is DISMISSED without prejudice. Any motion to reopen the action **must** contain (1) the two IFP documents listed above, or (2) payment for the entire filing fee of \$350.00. Plaintiff’s IFP motion (Docket No. 5) is DENIED as insufficient. The Clerk shall enter terminate Docket No. 5, enter judgment in favor of defendants, and close the file.

IT IS SO ORDERED.

DATED: November 6, 2012


RICHARD SEEBORG
United States District Judge

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